

**TOWNSHIP OF DERRY**  
**ZONING HEARING BOARD MEETING MINUTES**  
**September 17, 2014**

**CALL TO ORDER**

The September 17, 2014 meeting of the Township of Derry Zoning Hearing Board was called to order at 5:30 p.m. by Chairman Tafuto in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA 17033.

**ROLL CALL**

Board members in attendance: Chairman William Tafuto; Vice Chairman Michael Angello; Member Michael Kushner; Member Matthew Brouillette

Board members absent: Secretary Philip Wood

Also Present: Anthony Nestico, Solicitor to the Board; Charles Emerick, Director of Community Development; Brandon Williams, Assistant Director of Community Development; Pam Packer, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Rich Mattis; Kirk Knappman, Yingst Engineers; Randy & Melissa Byler, 647 Hill Church Road; Carl Ortenzio, 690 Hill Church Road; Brian & Lynda Grubb, 20 Clark Road; Todd Smeigh, D.C. Gohn Associates; Greg Koussis, Capital Construction Management; Brian Cooley, D.C. Gohn Associates; Scott Stein, Hershey Volunteer Fire Co.; Melvin Blumberg, 357 Lamp Post Lane; Charles Huth, *The Sun*; Rick Russell, The Hershey Company; Daryl Byler, 671 Hill Church Road; Steven Coulter, 34 W. Caracas Ave.; Kenny Hinebaugh, Evans Engineering

**APPROVAL OF MINUTES**

On a motion by Member Brouillette, seconded by Vice Chairman Angello, and a unanimous vote, the August 20, 2014 minutes were approved.

**OLD BUSINESS**

- A. Adoption of Decision in the Case of New Cingular Wireless PCS, LLC (2014-32)**  
**Property location: 170 Washington Avenue, Hershey**
  
- B. Adoption of Decision in the Case of Joel T. Price (2014-33)**  
**Property location: 1614 E. Caracas Avenue, Hershey**

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- C. Adoption of Decision in the Case of LIT Palmyra, LP (2014-34)  
Property location: 350 N. Lingle Avenue, Palmyra, PA**
- D. Adoption of Decision in the Case of Gregory M. Gressel (2014-35)  
Property location: 268 E. Areba Avenue, Hershey**
- E. Adoption of Decision in the Case of Michele Luongo-Harnden (2014-36)  
Property location: 20 Valley Road, Hershey**
- F. Adoption of Decision in the Case of John and Elizabeth Ingraham (2014-37)  
Property location: 825 Olde Trail Road, Hummelstown**
- G. Adoption of Decision in the Case of Yingst Engineers & Associates, Inc. (2014-38)  
Property location: 245 E. Derry Road, Hershey**

On a motion made by Member Brouillette, seconded by Vice Chairman Angello, and a unanimous vote, the decisions for items A-G were adopted by consent agenda.

**NEW BUSINESS**

- A. Hearing in the Case of Yingst Engineers & Associates, Inc. (2014-39)  
Property location: 637 Fishburn Road, Hershey**

This property, located in the Village Residential zoning district, is improved with a barber shop. The applicant is proposing to construct additional parking spaces. Relief is sought from maximum impervious cover requirements.

Kirk Knappman, Melvin Blumberg, and Ronald Blumberg were sworn in and gave testimony.

Mr. Knappman stated that the parking area presently is partially paved, with additional parking on a stone lot area. The driveway to the property is shared with the adjacent neighbor. The applicant is proposing to create 9 paved parking spaces and 1 ADA space. The impervious cover will increase from 30.37% to 35.28%.

Member Kushner questioned the usage of the detached garage. Mr. Blumberg stated that the garage is storage space only.

No other persons provided testimony at this hearing.

Chairman Tafuto informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

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**B. Hearing in the Case of Randall Byler (2014-40)**  
**Property location: 647 Hill Church Road, Hummelstown**

This property, located in the Agricultural/Conservation zoning district, is improved with a single family dwelling. The applicant is proposing to construct a bedroom addition. Relief is sought regarding maximum impervious cover and minimum vegetative cover.

Randy Byler and Joel Byler were sworn in and gave testimony. Mr. Byler stated that while his lot is similar to those of adjacent neighbors, it is far smaller than the requirements for the zoning district. Mr. Byler is proposing to add a 24' x 28' master bedroom suite. The impervious cover will increase from 20.5% to 25.34%.

No other persons provided testimony at this hearing.

Chairman Tafuto informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

**C. Hearing in the Case of Milton and Linda Purcell (2014-41)**  
**Property location: 345 West Chocolate Avenue, Hershey**

This property, located in the Downtown Commercial and Chocolate Avenue Preservation Overlay zoning districts, is improved with a mixed-use building. The applicant is proposing to construct a patio. Relief is sought regarding front and side yard setbacks.

Richard Mattis was sworn in and provided testimony. Mr. Mattis stated that he will be installing a 12'6" by 24' paver patio. The patio will be irregularly shaped and will taper down to 8'3". In addition to the patio, a 3' high paver wall will be installed along the alley side of the patio.

Mr. Emerick added that the applicant should also request relief from Section 225-60.E regarding minimum vegetative cover and Section 225-60.F regarding maximum impervious cover.

Member Kushner questioned whether there will be an issue with a retaining wall being located along the alley. Mr. Mattis stated that there currently is a high curb along the alley.

No other persons provided testimony at this hearing.

Chairman Tafuto informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

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**D. Hearing in the Case of The Hershey Company (2014-42)  
Property location: 19 E. Chocolate Avenue, Hershey**

This property, located in the Village Core and General Sign Overlay zoning districts, is improved with an office building under renovation. The applicant is proposing to construct a new pole sign on the property. Relief is sought in the form of a special exception to permit a larger sign and greater than the prescribed total sign area on a property; or in lieu thereof, relief is sought from the maximum allowable sign height, length, and area; the total sign area permitted on a property; and the maximum number of colors permitted on a sign support structure.

Rick Russell and Kenny Hinebaugh were sworn in and gave testimony. Mr. Russell stated that the sign will be free standing and over the entrance to the 19 East Chocolate Avenue office building. The sign will feature the company's new logo, and will be brown and white with the support beams being a metallic grey.

No other persons provided testimony at this hearing.

Chairman Tafuto informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

**E. Hearing in the Case of the Township of Derry Industrial and Commercial  
Development Authority (2014-43)  
Property location: 21, 31, and 35 West Caracas Avenue, Hershey**

These properties, located in the Village Core zoning district, are improved with the Hershey Volunteer Fire Company firehouse and two dwellings. The applicant is proposing to raze the dwellings and renovate and expand the existing firehouse. Relief is sought regarding minimum front yard setbacks and parking configuration requirements; regarding an extension to the period of time in which any approvals would remain valid; and in the form of a special exception to permit off-site parking.

Greg Koussis, Todd Smeigh, and Brian Cooley were sworn in and gave testimony. Mr. Koussis stated that the original 1920's building and 1950's era addition will remain. The 1970's era addition, along with two dwellings on adjacent lots, will be razed to allow for expansion of the firehouse and associated parking.

Mr. Koussis stated that the largest use of the parking area is at the monthly evening meeting, which has 24 cars. Mr. Koussis is proposing having 10 on-site spaces and 14 spaces in a shared parking area that is utilized by the Hershey Trust Company, Hershey Entertainment & Resorts, the ICDA, and First United Methodist Church.

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Mr. Koussis added that the parking in the front area will allow easy access for first responders during emergencies, and six of those spaces are for response vehicles such as the chief's car.

Finally, Mr. Koussis requested an expansion of the time limit of any granted relief from 12 months to 24 months due to the construction start date of spring 2015.

No other persons provided testimony at this hearing.

Chairman Tafuto informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

**F. Hearing in the Case of Brian and Lynda Grubb (2014-44)**  
**Property location: 20 Clark Road, Hershey**

This property, located in the Agricultural/Conservation zoning district, is improved with a single family dwelling. The applicants are proposing to construct an in-ground swimming pool. Relief is sought regarding maximum impervious cover and minimum vegetative cover.

Brian Grubb was sworn in and gave testimony. Mr. Grubb stated that he would like to add a 30' x 14.9' in-ground swimming pool with a minimally-sized concrete skirting around the pool. The proposed improvements would increase impervious cover to 32.69% with the pool overflow being connected to the sanitary sewer.

No other persons provided testimony at this hearing.

Chairman Tafuto informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

**G. Hearing in the Case of Hanuman, LLC (2014-45)**  
**Property location: 210 Hockersville Road, Hershey**

This property, located in the Neighborhood Commercial zoning district, is improved with a hotel. The applicant is proposing to maintain an air conditioning unit in the side yard. Relief is sought regarding side yard setback requirements.

Raj Patel was sworn in and gave testimony. Mr. Patel stated it was discovered that an additional air conditioner condenser was needed in the recently-completed hotel due to the inability of the existing system to adequately cool portions of the hotel furthest away from the main condenser system. The condenser was placed closest to the area that

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needed to be cooled. The condenser unit is 10 feet, 8 inches away from the side property line.

No other persons provided testimony at this hearing.

Chairman Tafuto informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

Hearings closed at 6:55 p.m.

**DELIBERATIONS**

The Board met to deliberate in the cases of Yingst Engineers & Associates, Inc. (2014-39); Randall Byler (2014-40); Milton and Linda Purcell (2014-41); The Hershey Company (2014-42); the Township of Derry Industrial and Commercial Development Authority (2014-43); Brian and Lynda Grubb (2014-44); and Hanuman, LLC (2014-45) and directed the Solicitor to prepare the draft decisions on each case for formal action at the October, 2014 meeting.

Submitted by:

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Philip Wood, Secretary